

## Message Text

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ORIGIN L-03

INFO OCT-01 NEA-10 ISO-00 SCA-01 SCS-03 RSC-01 /019 R

DRAFTED BY L/M/SCA:HFSHAMWELL:MMK

APPROVED BY L/M/SCA:MALMBORG

NEA/INS:MR. HAWES

SCA/SCS:MR. HUGHES

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O 201811Z SEP 73

FM SECSTATE WASHDC

TO AMCONSUL CALCUTTA IMMEDIATE

INFO AMEMBASSY NEW DELHI IMMEDIATE

C O N F I D E N T I A L STATE 187194

E.O. 11652: N/A

TAGS:

SUBJECT: HARCOS/FLETCHER CASE--GUIDANCE FOR SEPT. 21

MEETING WITH CHIEF SECRETARY

REF: (A) CALCUTTA 1761; (0) STATE 181335 AND PREVIOUS

1. RE PARA 2, REF A, DEPARTMENT HAS NO GUIDANCE IN ADDITION TO THAT PROVIDED REF B ON QUESTION OF PRIVATE ACCESS TO DETAILED NATIONALS. CONSUL AUTHORIZED TO RAISE AND DISCUSS ISSUE TO EXTENT WARRANTED BY SEVERITY OF THE PROBLEM. IF, FOR, EXAMPLE, ACTUAL MONITORING OF CONVERSATIONS OCCURS DURING EACH VISIT, POINT SHOULD BE STRESSED MORE STENUOUSLY THAN IF THERE IS MERELY PRESENCE OF GUARD WITHIN SIGHT, BUT NOT SOUND OF PARTIES CONVERSING.

2. REGARDING REQUIREMENT OF ADVANCE WRITTEN REQUEST FOR EACH VISIT WITH PRISONERS, NECESSITY FOR RAISING OBJECTION SHOULD DEPEND UPON DEGREE TO WHICH THIS REQUIREMENT INTERFERES WITH REASONABLE VISITATION RIGHTS. IF, FOR EXAMPLE, NECESSARY WRITTEN REQUEST IS ACCOMPLISHED BY FILING FORM WITH PRISON OFFICIALS WHICH IS ACTED UPON QUICKLY, THEN DEPARTMENT SEES NO REASON TO RAISE OBJECTION. IF, ON THE  
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OTHER HAND, FORMAL NOTE MUST BE DELIVERED THROUGH MFA AND

RESPONDED TO ACCORDINGLY, DEPARTMENT WOULD REGARD SUCH

REQUIREMENT AS VIOLATION OF LETTER AND SPIRIT OF ARTICLE 36 (1) (C) OF THE VIENNA CONVENTION, UNDER WHICH "CONSULAR OFFICERS SHALL HAVE THE RIGHT TO VISIT A NATIONAL OF THE SENDING STATE WHO IS IN PRISON, UNDER DETENTION, TO CONVERSE AND CORRESPOND WITH HIM AND TO ARRANGE FOR HIS LEGAL REPRESENTATION." FYI IN RECENTLY NEGOTIATED CONSULAR CONVENTIONS WITH EUROPEAN COUNTRIES SUCH AS HUNGARY, THERE IS SPECIFIC REQUIREMENT THAT SUCH VISITS "MAY BE MADE ON A RECURRENT BASIS AND AT INTERVALS OF NOT MORE THAN ONE MONTH" (I.E., AT LEAST ONCE EVERY 31 DAYS).  
END FYI.

3. CONGEN AUTHORIZED TO RAISE ISSUE OF LENGTH OF DETENTION WITHOUT CHARGES ON PURELY HUMANITARIAN GROUNDS. DEPARTMENT DOES NOT BELIEVE WE HAVE BASIS UNDER INTERNATIONAL LAW FOR PROTEST ON GROUND DENIAL DUE PROCESS.  
RUSH

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 20 SEP 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** elyme  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Drafter:** HFHAMWELL:MMK  
**Enclosure:** n/a  
**Executive Order:** GS MALMBORG  
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**Subject:** HARCOS/FLETCHER CASE--GUIDANCE FOR SEPT. 21 MEETING WITH CHIEF SECRETARY  
**TAGS:** CASC, IN  
**To:** CALCUTTA  
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